

House Bill 703 (AS PASSED HOUSE AND SENATE)

By: Representative Smith of the 168th

A BILL TO BE ENTITLED

AN ACT

To amend various provisions of the Official Code of Georgia Annotated, so as to provide powers and duties regarding disposition of certain property of local governments; to amend Code Section 20-2-520 of the Official Code of Georgia Annotated, relating to acquiring and disposing of school sites, so as to provide for sale or conveyance of a schoolhouse site to the state; to amend Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property generally, so as to provide that certain persons be granted first right to purchase property previously condemned by the county; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 0.5

Code Section 20-2-520 of the Official Code of Georgia Annotated, relating to acquiring and disposing of school sites, is amended by revising subsection (b) as follows:

"(b) If a schoolhouse site has become unnecessary or inconvenient, as provided by subsection (a) of this Code section, and if the state or the county or municipality whose territorial boundaries include such schoolhouse site needs such site for any governmental purpose, then the county board may sell or convey such schoolhouse site to the state or such county or municipality for such consideration and subject to such conditions, if any, as may be determined by such county board."

SECTION 1.

Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property generally, is amended by revising paragraphs (2) and (3) of subsection (g) of Code Section 36-9-3, relating to the sale or disposition of county property, as follows:

(2) Notwithstanding any provision of this Code section or any other law to the contrary, whenever any county has acquired property for the creation or development of a lake, including but not limited to property the acquisition of which was reasonably necessary or incidental to the creation or development of that lake, and the governing authority of

such county thereafter determines that all ~~or any part of the property or any interest therein~~ is no longer needed for ~~such purposes because of changed conditions~~ because of a decision by the county to not construct the lake, that county is authorized to dispose of such property or interest therein as provided in this subsection.

(3)(A) In disposing of property, as authorized under this subsection, the county shall notify the owner of such property at the time of its acquisition or, if the tract from which the county acquired its property has been subsequently sold, shall notify the owner of abutting land holding title through the owner from whom the county acquired its property. ~~The notice~~ Any notice required pursuant to this subparagraph shall be in writing and delivered to the appropriate owner or by publication if such owner's address is unknown; ~~and such~~. Such owner shall have the right to acquire such property, as provided in this subsection; ~~the property with respect to which the notice is given. Publication, if necessary, shall be in a newspaper of general circulation in the county where the property is located.~~

(B) If the original owner of the property at the time of the county's acquisition of such property is deceased, the original owner's spouse, child, or grandchild shall have the first opportunity to purchase the property which the county is disposing of pursuant to this subsection; provided, however, the owner's child shall have such right only if the owner's spouse is deceased or has waived his or her right to purchase the property, and the owner's grandchild shall have such right only if both the owner's spouse and child either are deceased or have waived their right to buy the property. If the original owner's spouse is deceased and the original owner had more than one child or grandchild and such children or grandchildren have a right to purchase the property pursuant to this paragraph, then such children or grandchildren shall be entitled to purchase the property as tenants in common. The county shall place a notice of a sale proposed pursuant to this subparagraph once in the county legal organ. If after 45 days from the date of such publication the original owner's spouse, child, or grandchild has not come forward, or if the tract from which the county acquired its property has been subsequently sold, the county shall notify the owner of abutting land holding title through the owner from whom the county acquired its property as provided in subparagraph (A) of this paragraph. Publication pursuant to this subparagraph, if necessary, shall be in a newspaper of general circulation in the county where the property is located."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.